

Message Text

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PAGE 01 CANBER 00766 040820Z

17

ACTION PPTE-00

INFO OCT-01 EA-10 ISO-00 SCA-01 SCSE-00 L-02 /014 W

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P R 040619Z FEB 75

FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC PRIORITY 4967

INFO AMCONSUL SYDNEY

AMCONSUL PERTH

UNCLAS CANBERRA 0766

FOR PPT, SCS & L/SCA.

EO 11652: NA.

TAGS: CPAS, CASC.

SUBJ: BRENNAND, ALEXANDER MICHAEL.

1. EMBASSY HAS RECEIVED LETTER DATED FEBRUARY 3, 1975
ADDRESSED TO AMBASSADOR GREEN FROM THE DEPARTMENT OF LABOR &
IMMIGRATION, CANBERRA. CONTENTS OF LETTER AS FOLLOWS:

QUOTE:

YOUR EXCELLENCY

THE MINISTER FOR LABOR & IMMIGRATION HAS DIRECTED
ME TO WRITE TO YOU INRELATION TO THE CONTINUED
STAY IN AUSTRALIA OF MRS FLORENCE FRANCES JOHNSON,
FORMERLY BRENNAND, AND HER FOUR YEAR OLD SON,
ALEXANDER MICHAEL BRENNAND.

MRS. HONSON AND HER SON ARE UNITED STATES CITIZENS
WHO WERE ADMITTED TO AUSTRALIA FOR A TEMPORARY STAY.
THE PERIOD OF THEIR AUTHORIZED STAY EXPIRED ON
16/12/74 SINCE WHICH DATE THEY HAVE REMAINED IN
AUSTRALIA ILLEGALLY.

MRS JOHNSON FIRST CAME TO AUSTRALIA AS A VISITOR IN
NOVEMBER, 1973. IN JUNE 1974 SHE TRAVELLED TO THE
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UNITED STATES AND RETURNED TO AUSTRALIA WITH HER SON

ON 16/06/74.

THE DEPARTMENT HAS SINCE BEEN INFORMED BY THE LEGAL REPRESENTATIVES OF MRS JOHNSON'S HUSBAND, MR. THOMAS BRENNAND, THAT AN ORDER WAS ISSUED OUT OF THE SUPERIOR COURT OF NEW JERSEY ON 18/11/74 DIRECTING THAT THE FATHER, THOMAS BRENNAND, HAVE THE TEMPORARY PHYSICAL CUSTODY OF THE CHILD AND THAT THE CHILD BE RETURNED FORTHWITH TO THE STATE OF NEW JERSEY.

A COPY OF THE ORDER HAS BEEN SENT TO THE DEPARTMENT & I ATTACH A COPY OF THIS FOR YOUR INFORMATION.

STRONG REPRESENTATIONS HAVE BEEN MADE TO THE MINISTER TO ALLOW MRS. JOHNSON AND HER SON TO REMAIN IN AUSTRALIA AT LEAST UNTIL AN APPLICATION WHICH MRS JOHNSON INTENDS MAKING TO THE SUPREME COURT OF WESTERN AUSTRALIA SEEKING AND ORDER FOR THE CUSTODY OF HER SON CAN BE DETERMINED. ACCORDING TO MRS JOHNSON'S LEGAL ADVISERS', HER HUSBAND WHO IS REPRESENTED BY SOLICITORS BOTH IN THE UNITED STATES AND IN WESTERN AUSTRALIA, WILL BE SERVED WITH ALL PROCESS AND CAN BE HEARD AS A PARTY EITHER BY WAY OF AFFIDAVIT OR BY ORAL EVIDENCE.

BEFORE THE MINISTER FOR LABOR AND IMMIGRATION MAKES A DECISION REGARDING THE FURTHER STAY IN AUSTRALIA OR MRS. JOHNSON AND HER SON HE WISHES TO KNOW WHETHER THE EMBASSY OF THE UNITED STATES IS PREPARED TO TAKE ANY ACTION TO HAVE MRS JOHNSON HONOUR THE TERMS OF THE ORDER OF THE SUPERIOR COURT OF NEW JERSEY IN RESPECT OF THE CHILD ALEXANDER MICHAEL BRENNAND. THE MATTER IS URGENT AND IT WOULD BE VERY MUCH APPRECIATED IF WE COULD HAVE YOUR RESPONSE DURING THE COURSE OF THIS WEEK.

IAN F. SHARP.
SECRETARY.

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2. AMCONSUL PERTH ADVISES VICE CONSUL JANE PARKER HAD RECEIVED CORRESPONDENCE FROM BRENNAND'S LAWYERS, LOGAN & LOGAN, 132 ENGLE ST., ENGLEWOOD, NEW JERSEY, LATE IN 1974, ADVISING OF THE EXISTENCE OF THE SUPERIOR COURT OF NEW JERSEY COURT ORDER, GIVING TEMPORARY PHYSICAL CUSTODY TO BRENNAND. MR. BRENNAND TOLD VICE CONSUL PARKER SHE HAD HAD THE CHILD ALEXANDER MICHAEL BRENNAND ADDED TO HER PASSPORT IN SAN FRANCISCO, AMCONSUL PERTH

HAS NO KNOWLEDGE OF PRESENT STATUS OF CASE OTHER THAN
NEWS REPORTS, AND HAS HAD NO DIRECT REPRESENTATION FROM
AUSTRALIAN LABOR & IMMIGRATION DEPARTMENT.

3. DEPARTMENT IS REQUESTED TO FORWARD URGENTLY
INSTRUCTIONS FOR REPLY TO LABOR & IMMIGRATION MINISTER'S
QUESTION, QUOTE - WHETHER THE EMBASSY OF THE UNITED STATES
IS PREPARED TO TAKE ANY ACTION TO HAVE MRS JOHNSON
HONOUR THE TERMS OF THE ORDER OF THE SUPERIOR COURT OF
NEW JERSEY IN RESPECT OF THE CHILD ALEXANDER MICHAEL
BRENNAND. UNQUOTE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 04 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975CANBER00766
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750040-0131
From: CANBERRA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750275/aaaacpsb.tel
Line Count: 127
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION PPTE
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 15 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15 APR 2003 by RuthemTJ>; APPROVED <09 JAN 2004 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: BRENNAND, ALEXANDER MICHAEL.
TAGS: CPAS, CASC, (BRENNAND, ALEXANDER MICHAEL)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006